

108TH CONGRESS
2D SESSION

H. R. 3973

To amend part C of the Balanced Budget and Emergency Deficit Control Act of 1985 to extend the discretionary spending limits and pay-as-you-go through fiscal year 2009.

IN THE HOUSE OF REPRESENTATIVES

MARCH 16, 2004

Mr. NUSSLE introduced the following bill; which was referred to the Committee on the Budget

A BILL

To amend part C of the Balanced Budget and Emergency Deficit Control Act of 1985 to extend the discretionary spending limits and pay-as-you-go through fiscal year 2009.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Spending Control Act
5 of 2004”.

6 **SEC. 2. EXTENSION OF DISCRETIONARY SPENDING LIMITS.**

7 (a) DISCRETIONARY SPENDING LIMITS.—(1) Section
8 251(c)(2) of the Balanced Budget and Emergency Deficit

1 Control Act of 1985 is amended by inserting a dash after
2 “2005”, by redesignating the remaining portion of such
3 paragraph as subparagraph (B) and by moving it two ems
4 to the right, and by inserting after the dash the following
5 new subparagraph:

6 “(A) for the general purpose discretionary
7 category: \$_____ in new budget authority
8 and \$_____ in outlays; and”.

9 (2) Section 251(c)(3) of the Balanced Budget and
10 Emergency Deficit Control Act of 1985 is amended by in-
11 serting a dash after “2006”, by redesignating the remain-
12 ing portion of such paragraph as subparagraph (B) and
13 by moving it two ems to the right, and by inserting after
14 the dash the following new subparagraph:

15 “(A) for the general purpose discretionary
16 category: \$_____ in new budget authority
17 and \$_____ in outlays; and”.

18 (3) Section 251(c) of the Balanced Budget and
19 Emergency Deficit Control Act of 1985 is amended by re-
20 designating paragraphs (4) through (9) as paragraphs (7)
21 through (12) and inserting after paragraph (3) the fol-
22 lowing new paragraphs:

23 “(4) with respect to fiscal year 2007 for the
24 general purpose discretionary category: \$_____
25 in new budget authority and \$_____ in outlays;

1 “(5) with respect to fiscal year 2008 for the
2 general purpose discretionary category: \$_____

3 in new budget authority and \$_____ in outlays;
4 and

5 “(6) with respect to fiscal year 2009 for the
6 general purpose discretionary category: \$_____

7 in new budget authority and \$_____ in outlays;”.

8 (b) **ADVANCE APPROPRIATIONS.**—Section 251 of the
9 Balanced Budget and Emergency Deficit Control Act of
10 1985 is amended by adding at the end the following new
11 subsection:

12 “(d) **ADVANCE APPROPRIATIONS.**—In any of fiscal
13 years 2005 through 2009, discretionary advance appro-
14 priations provided in appropriation Acts in excess of
15 \$_____ shall be counted against the discretionary
16 spending limits for the fiscal year for which the appropria-
17 tion Act containing the advance appropriation is en-
18 acted.”.

19 **SEC. 3. EXTENSION OF PAY-AS-YOU-GO REQUIREMENT.**

20 (a) **PURPOSE.**—Section 252(a) of the Balanced
21 Budget and Emergency Deficit Control Act of 1985 is
22 amended to read as follows:

23 “(a) **PURPOSE.**—The purpose of this section is to as-
24 sure that any legislation that is enacted before October

1 1, 2009, that causes a net increase in direct spending will
2 trigger an offsetting sequestration.”.

3 (b) TIMING.—Section 252(b)(1) of the Balanced
4 Budget and Emergency Deficit Control Act of 1985 is
5 amended by striking “any net deficit increase” and all
6 that follows through “2002,” and by inserting “any net
7 increase in direct spending enacted before October 1,
8 2009,”.

9 (c) CALCULATION OF DIRECT SPENDING IN-
10 CREASE.—Section 252(b)(2) of the Balanced Budget and
11 Emergency Deficit Control Act of 1985 is amended—

12 (1) by striking “deficit” the first place it ap-
13 pears and inserting “direct spending”;

14 (2) in subparagraph (A) by striking “and re-
15 ceipts”;

16 (3) in subparagraph (C) by striking “and re-
17 ceipts”; and

18 (4) by amending its side heading to read as fol-
19 lows: “CALCULATION OF DIRECT SPENDING IN-
20 CREASE”.

21 (d) CONFORMING AMENDMENTS.—(1) The side head-
22 ing of section 252(c) of the Balanced Budget and Emer-
23 gency Deficit Control Act of 1985 is amended to read as
24 follows: “ELIMINATING A DIRECT SPENDING INCREASE”.

1 (2) Paragraphs (1), (2), and (4) of section 252(d)
2 of the Balanced Budget and Emergency Deficit Control
3 Act of 1985 are amended by striking “or receipts” each
4 place it appears.

5 (3) Section 252(e) of the Balanced Budget and
6 Emergency Deficit Control Act of 1985 is amended by
7 striking “or receipts” and by striking “, outlays, and re-
8 ceipts” and inserting “and outlays”.

9 (4) Section 254(c)(3) of the Balanced Budget and
10 Emergency Deficit Control Act of 1985 is amended—

11 (A) in subparagraph (A) by striking “net deficit
12 increase or decrease” and by inserting “net increase
13 or decrease in direct spending”;

14 (B) in subparagraph (B) by striking “amount
15 of deficit increase or decrease” and by inserting “in-
16 crease or decrease in direct spending”; and

17 (C) in subparagraph (C) by striking “a deficit
18 increase” and by inserting “an increase in direct
19 spending”.

20 **SEC. 4. DEFINITIONS.**

21 (a) IN GENERAL.—Section 250(c) of the Balanced
22 Budget and Emergency Deficit Control Act of 1985 is
23 amended by adding at the end the following new para-
24 graphs:

1 “(20) The term ‘advance appropriation’ means
2 appropriations that first become available one fiscal
3 year or more beyond the fiscal year for which an ap-
4 propriation Act making such funds available is en-
5 acted.

6 “(21)(A) Except as provided by subparagraph
7 (B), the term ‘emergency requirement’ means any
8 provision that provides new budget authority and re-
9 sulting outlays for a situation that poses a threat to
10 life, property, or national security and is—

11 “(i) sudden, quickly coming into being, and
12 not building up over time;

13 “(ii) an urgent, pressing, and compelling
14 need requiring immediate action;

15 “(iii) subject to subparagraph (B), unfore-
16 seen, unpredictable, and unanticipated; and

17 “(iv) not permanent, temporary in nature.

18 “(B) An emergency that is part of an aggregate
19 level of anticipated emergencies, particularly when
20 normally estimated in advance, is not unforeseen.”.

21 (b) CONTINGENCY OPERATIONS RELATED TO GLOB-
22 AL WAR ON TERRORISM.—Section 251(b)(2) of the Bal-
23 anced Budget and Emergency Deficit Control Act of 1985
24 is amended by adding at the end the following new sub-
25 paragraph:

1 “(I) CONTINGENCY OPERATIONS RELATED
2 TO GLOBAL WAR ON TERRORISM.—If, for fiscal
3 year 2005, supplemental appropriations for dis-
4 cretionary accounts are enacted for contingency
5 operations related to the global war on ter-
6 rorism that, pursuant to this subparagraph, the
7 President designates as a contingency operation
8 related to the global war on terrorism and the
9 Congress so designates in statute, the adjust-
10 ment shall be the total of such appropriations
11 in discretionary accounts so designated and the
12 outlays flowing in all fiscal years from such ap-
13 propriations.”.

14 (c) CONFORMING AMENDMENT.—The second sen-
15 tence of section 250(c)(4)(A) of the Balanced Budget and
16 Emergency Deficit Control Act of 1985 is amended to
17 read as follows: “The general purpose discretionary cat-
18 egory shall consist of accounts designated in the joint ex-
19 planatory statement of managers accompanying the con-
20 ference report on the Spending Control Act of 2004.”.

21 **SEC. 5. PROJECTIONS UNDER SECTION 257.**

22 Section 257(c) of the Balanced Budget and Emer-
23 gency Deficit Control Act of 1985 is amended by inserting
24 after paragraph (6) the following new paragraph:

1 “(7) EMERGENCIES.—New budgetary resources
2 designated under section 251(b)(2)(A) or
3 251(b)(2)(I) shall not be assumed beyond the fiscal
4 year for which they have been enacted.”.

5 **SEC. 6. EXCEPTION FOR OUTLAY COMPONENTS OF EXPIR-**
6 **ING RECEIPTS LEGISLATION.**

7 Section 252(d)(4) of the Balanced Budget and Emer-
8 gency Deficit Control Act of 1985 is amended by striking
9 “and” at the end of subparagraph (A), by striking the
10 period and inserting “; and” at the end of subparagraph
11 (B), and by adding at the end the following new subpara-
12 graph:

13 “(C) extending provisions in the Economic
14 Growth and Tax Relief Reconciliation Act of
15 2001 or provisions in sections 101 through 104,
16 section 202, or sections 301 and 302 of the
17 Jobs and Growth Tax Relief Reconciliation Act
18 of 2003.”.

19 **SEC. 7. REPORTS.**

20 Subsections (e)(2) and (f)(2)(A) of section 254 of the
21 Balanced Budget and Emergency Deficit Control Act of
22 1985 are amended by striking “2002” and inserting
23 “2009”.

1 **SEC. 8. EXPIRATION.**

2 Section 275(b) of the Balanced Budget and Emer-
3 gency Deficit Control Act of 1985 is amended by striking
4 “2002” and inserting “2009” and by striking “2006” and
5 inserting “2013”.

6 **SEC. 9. TECHNICAL CORRECTIONS TO THE BALANCED**
7 **BUDGET AND EMERGENCY DEFICIT CONTROL**
8 **ACT OF 1985.**

9 Part C of the Balanced Budget and Emergency Def-
10 icit Control Act of 1985 is amended as follows:

11 (1) In section 250(a), strike “SEC. 256. GEN-
12 ERAL AND SPECIAL SEQUESTRATION
13 RULES” and insert “Sec. 256. General and special
14 sequestration rules” in the item relating to section
15 256.

16 (2) In subparagraphs (F), (G), (H), (I), (J),
17 and (K) of section 250(c)(4), insert “subparagraph”
18 after “described in” each place it appears.

19 (3) In section 250(c)(18), insert “of” after “ex-
20 penses”.

21 (4) In section 251(b)(1)(A), strike “commit-
22 tees” the first place it appears and insert “Commit-
23 tees”.

24 (5) In section 251(b)(1)(C)(i), strike “fiscal
25 years” and insert “fiscal year”.

1 (6) In section 251(b)(1)(D)(ii), strike “fiscal
2 years” and insert “fiscal year”.

3 (7) In section 252(b)(2)(B), insert “the” before
4 “budget year”.

5 (8) In section 251(c)(5), move subparagraph
6 (A) 2 ems to the right.

7 (9) In section 252(c)(1)(C)(i), strike “para-
8 graph (1)” and insert “subsection (b)”.

9 (10) In section 254(c)(3), amend subparagraph
10 (A) to read as follows:

11 “(A) The amount of the sequestration, if
12 any, calculated under section 252(b).”.

13 (11) In section 254(f)(4), strike “subsection”
14 and insert “section” and strike “sequesterable” and
15 insert “sequestrable”.

16 (12) In section 255(g)(1)(B), move the four-
17 teenth undesignated clause 2 ems to the right.

18 (13) In section 255(g)(2), insert “and” after
19 the semicolon at the end of the next-to-last undesign-
20 ated paragraph.

21 (14) In section 255(h)—

22 (A) strike “and” after the semicolon in the
23 ninth undesignated clause;

24 (B) insert “and” after the semicolon at the
25 end of the tenth undesignated clause; and

1 (C) strike the semicolon at the end and in-
2 sert a period.

3 (15) In section 256(k)(1), strike “paragraph
4 (5)” and insert “paragraph (6)”.

5 (16) In section 257(b)(2)(A)(i), strike
6 “differenes” and insert “differences”.

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